

## UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

Matthew Anthony Marshall

Case No: CR 20-32-M-DWM

USM No: 18070-046

Date of Original Judgment: 03/04/2022

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.  
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

The Defendant seeks a sentence reduction under the retroactive application to the criminal history rules in Part B, subpart 1 of Amendment 821 to the United States Sentencing Guidelines. (See Doc. 204.) That motion is denied.

Part B, subpart 1 provides a two-level offense level decrease for offenders who did not receive any criminal history points and whose instant offense did not involve specific aggravating factors. See USSG App. C, Amendment 821 "Reasons for Amendment" (Nov. 1, 2023). The court may reduce a defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) only after consideration of the § 3553(a) sentencing factors. See *Dillon v. United States*, 560 U.S. 817, 826 (2010).

Here, the Defendant's prior convictions resulted in a total criminal history score of zero. (PSR Add.) However, the § 3553(a) factors do not support a sentence reduction. There is a need to protect the public from future crimes by the Defendant and the Court continues to have serious concerns about the circumstances surrounding the offense and the Defendant's history, repeated dishonesty, and likelihood to engage in criminal conduct again in the future. The Defendant's original sentence of 72 months remains sufficient, but not greater than necessary notwithstanding the reduction to his advisory guideline range. Therefore, the Defendant's motion is denied.

Except as otherwise provided, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**Order Date: September 23, 2024

Judge's signature

Effective Date: \_\_\_\_\_

(if different from order date)

Donald W. Molloy, District Judge

Printed name and title